In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-409

ROCCO LAURIA, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury-waived trial in the United States District Court for the Eastern District of New York, petitioner and Jesse Smith were convicted of conspiracy to use extortionate means to collect an extension of credit, in violation of 18 U.S.C. 894. Petitioner was sentenced to three years' imprisonment, subject to the parole eligibility provisions of 18 U.S.C. 4208(a)(2). The court of appeals affirmed in a comprehensive opinion (Pet. App. B, pp. A3-A14). Petitioner's contention here, as below, is that his conviction for conspiracy to violate the federal loan sharking statute (18 U.S.C. 894) violated the *ex post facto* clause of the

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Constitution because the conspiracy commenced before the statute was enacted. The opinion of the court of appeals, upon which we rely, fully answers this claim.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

OCTOBER 1972.

U. S. GOVERNMENT PRINTING OFFICE: 1972